



## Illinois Department of Corrections

### Administrative Directive

Number: <b>01.07.400</b>	Title: <b>Sentence Calculation for Offenders</b>	Effective: <b>3/1/2021</b>
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Authorized by:	<i>[Original Authorized Copy on File]</i> <b>Rob Jeffreys</b> Acting Director
Supersedes:	01.07.400 effective 8/1/2013

<b>Authority:</b> 730 ILCS 5/3-3-3, 3-6-3, 3-8-7, 5-8-1, 5-8-2 and 5-8-4 730 ILCS 150/2 20 IAC 107	<b>Related ACA Standards:</b> 5-ACI-1A-07 and 10, 5-ACI-1E-01 – 03, 5-ACI-1F-01, 02, 06 and 08, 5-ACI-5F-05, 5-ACI-7A-13
<b>Referenced Policies:</b> 01.07.450A-J, 01.07.461A-J, 01.07.464A-J, 01.07.466A-J	<b>Referenced Forms:</b>

#### I. POLICY

The Department shall ensure the accurate calculation of all sentences and the timely release of all offenders.

#### II. PROCEDURE

##### A. Purpose

The purpose of this directive is to establish a written procedure for the calculation of sentences.

##### B. Applicability

This directive is applicable to all correctional facilities within the Department.

##### C. Facility Reviews

A facility review of this directive shall be conducted at least annually.

##### D. Designees

Individuals specified in this directive may delegate stated responsibilities to another person or persons unless otherwise directed.

##### E. Definitions

Compensatory Good Time – means the award of time used to offset the length of an indeterminate sentence as calculated at the rate of seven and one-half days for each month in custody or on a prorated basis in accordance with 20 Ill. Adm. Code 107:Subpart B.

Day for Day Credit – means the award of time used to offset the length of an indeterminate sentence based upon the date the offender was sentenced, the date the offense was committed and the remaining portion of the sentence to be served on or after February 1, 1978 in accordance with 20 Ill. Adm. Code 107:Subpart B.

Good Conduct Credit – means the time awarded prior to June 22, 2012 (effective date of PA 97-0697) to offset the length of a determinate sentence for an offense committed on or after February 1, 1978 pursuant to 730 ILCS 5/3-6-3 (a)(2), (2.1), (2.3), (2.4), (2.5) and (2.6).

Program Sentence Credit – means the award of time to offset the length of a determinate sentence for offenders who have successfully participated in substance abuse programming, correctional industry

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assignments, educational or vocational programs, behavioral modification programs, life skills courses or re-entry planning.

Statutory Good Time – means the award of time to offset the length of an indeterminate sentence for an offense committed prior to February 1, 1978 as calculated in accordance with 20 Ill. Adm. Code 107:Subpart B.

Statutory Sentence Credit – means time awarded on or after June 22, 2012 to offset the length of a determinate sentence for an offense committed on or after February 1, 1978 pursuant to 730 ILCS 5/3-6-3 (a)(2), (2.1), (2.3), (2.4), (2.5) and (2.6).

#### **F. General Provisions**

1. Record Offices located at correctional facilities having Reception and Classification Centers shall accurately calculate, and recalculate if necessary, sentences for all offenders received at their facilities.
2. When offenders are transferred, the Record Office of the receiving facility shall check the accuracy of the sentence structure, time credits, etc., and verify the accuracy by initialing the calculation worksheet in the master file or prepare a new calculation worksheet, if necessary.
3. All Record Offices shall recalculate sentences when there is a change in the sentence structure, for example, additional mittimus, revocation or restoration of statutory good time or statutory sentence credit, receipt of additional jail credits, receipt of program sentence credit, court orders, etc. All recalculations shall be done in their entirety on the appropriate calculation worksheet.
4. Good conduct credits or statutory good time revoked prior to an offender opting for release dates offered by the Prisoner Review Board shall not be restored once such dates have been accepted.
5. At the time of an offender's release, the Record Office Supervisor shall:
  - a. Ensure the accuracy of the sentence calculation and the release date;
  - b. Determine the appropriate statutory parole or mandatory supervised release (MSR) period in order to establish the discharge date; and
  - c. Record the discharge date on the face sheet in the space provided prior to transferring the master file to the Field Services Office.
6. The Chief Record Officer shall be contacted in cases where a clarification or interpretation is needed.

#### **G. Calculations**

1. Misdemeanor sentences shall be calculated pursuant to Administrative Directives 01.07.461A-J, 01.07.464A-J and 01.07.466A-J.
2. Felony sentences shall be calculated on a 30 day per month basis; the number of days of the sentence shall be the numerator and 30 shall be the denominator.
3. All available time credits, for example, jail credit, mental health time, etc., shall be calculated to arrive at a custody date from which the sentence shall be calculated.
4. Whenever a sentence of imprisonment was entered on or before December 31, 1987, after a revocation of probation, the time served on probation, conditional discharge or supervision shall be credited against the imposed sentence of imprisonment unless the court orders otherwise.

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- a. Good conduct credits and statutory sentence credit cannot be earned on probation time that is not served in custody.
  - b. Time served in jail as part of probation shall be calculated as jail credit, earning statutory sentence credit.
5. Whenever a sentence of imprisonment was entered on or after January 1, 1988, after a revocation of probation, the time served on probation, conditional discharge or supervision shall **not** be credited against the imposed sentence of imprisonment unless the court orders otherwise.
  - a. Good conduct credits and statutory sentence credit cannot be earned on probation time that is not served in custody.
  - b. Time served in jail as part of probation shall be calculated as jail credit, earning statutory sentence credit.
6. Time served on periodic imprisonment shall be credited to the subsequent sentence imposed. However, statutory sentence credit is not earned on time served while on periodic imprisonment.
7. Indeterminate sentences shall be calculated pursuant to Administrative Directive 01.07.450A-J.
  - a. Indeterminate sentences shall be calculated to arrive at the projected minimum and projected maximum release dates.
  - b. Statutory Good Time may be revoked or awarded on either the minimum or maximum sentence. Compensatory good time shall be earned on indeterminate sentences at a rate of seven and one-half days per month for each month served in custody for sentences entered under the law in effect on or after January 1, 1973, but prior to February 1, 1978, including custody time served in the county jail after January 1, 1973, unless denied pursuant to departmental rules.
  - c. Compensatory good time shall be credited on a pro-rated basis on the first month of custody and the month of release from the facility. Compensatory good time shall not be awarded on any sentence or portion thereof in which statutory good time has been applied.
8. Determinate sentences entered on or after February 1, 1978, but with jail time served on the sentences prior to February 1, 1978, shall be calculated at a rate of one day for one day (statutory sentence credit) from the custody date.
9. Statutory sentence credit, with reference to determinate sentences shall:
  - a. Be awarded at the rate of one day credit of each day served unless otherwise provided in Appendix A.
  - b. Not be awarded to an offender convicted of a sex offense as defined in Section 2 of the Sex Offender Registration Act [730 ILCS 150/2] on or after June 1, 2008, unless he or she:
    - (1) Successfully completes or is participating in sex offender treatment as defined by the Sex Offender Management Board; or
    - (2) Is on the waiting list to receive treatment but is unable to participate due solely to lack of Department resources.

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10. Determinate sentences shall be calculated to arrive at the projected release date and mandatory release date.
  - a. Statutory sentence credit may only be revoked or awarded on the projected release date.
  - b. Statutory sentence credit revocations or restorations shall never affect the mandatory release date. The mandatory release date shall be changed if there was a loss of time that was incurred due to an absence from the supervision of the Department, for example, escape, MSR violation, release on bond, etc.
11. Whenever an offender is removed from a Department facility by writ or order to stand trial for another offense for which he or she is then sentenced, he or she shall receive credit on the subsequent sentence (assuming it is to run concurrently with his or her prior sentence) from the date of sentence unless the court specifically orders otherwise.
12. Offenders serving consecutive sentences shall have their sentences aggregated and treated as though committed for a single term pursuant to 730 ILCS 5/5-8-4.
  - a. Minimum – the minimum period of imprisonment shall consist of the aggregate of the minimum of the indeterminate sentences and the determinate sentences.
  - b. Maximum – the maximum period of imprisonment shall consist of the aggregated maximum sentences of the imposed indeterminate sentences plus the imposed determinate sentences for felonies plus the imposed determinate sentences for misdemeanors.
  - c. Aggregated minimum and maximum – for sentences imposed under the law in effect prior to February 1, 1978, the aggregated minimum and maximum sentences shall not exceed the minimum or maximum terms authorized in 730 ILCS 5/5-8-1 for the two most serious felonies involved. Determinate sentences imposed under the law in effect after February 1, 1978, shall be the aggregate of the consecutive sentences not to exceed the sum of the maximum terms authorized in 730 ILCS 5/5-8-2 for the two most serious felonies involved.
  - d. The parole or MSR term shall be the term specified for the most serious felony involved.
  - e. When the original conviction is vacated by reversal and remand, the second or consecutive sentence shall commence and all custody time on the original conviction shall be credited to the second sentence. Any new sentence entered subsequently on the original charge shall run concurrently unless the court specifically orders it to be consecutive.
  - f. An offender who receives a new sentence for an offense committed while in the custody of a Department correctional center shall serve that sentence consecutive to the sentence under which the offender was being held by the Department pursuant to 730 ILCS 5/5-8-4(f) and (g); however, if the trial judge explicitly orders a sentence entered pursuant to 730 ILCS 5/5-8-4(f) and (g) to be concurrent, the sentence shall be calculated as concurrent.
13. Offenders serving consecutive indeterminate sentences:
  - a. One of which was for an offense committed prior to June 1, 1977, shall have statutory and compensatory good time applied provided the calculation indicates that it is more advantageous than day for day credit.
  - b. All of which were for crimes committed on or after June 1, 1977, but entered prior to

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February 1, 1978, shall receive statutory and compensatory good time on the portion served prior to February 1, 1978, and day for day credit applied to that portion of the aggregated sentence remaining on and after February 1, 1978.

- c. For crimes committed after June 1, 1977, and the sentences were entered on or after February 1, 1978, shall have their sentences calculated by awarding day for day credit from the date of custody.
  - d. Shall be eligible for parole in accordance with 730 ILCS 5/3-3-3(a) after having served the minimum term of an indeterminate sentence or 20 years, whichever is less, less applicable statutory good time, compensatory good time and day for day credit.
14. Offenders serving consecutive determinate sentences entered under the 1978 law shall have the sentences aggregated and statutory sentence credit, if applicable, applied to the aggregated sentence.
15. Any offender serving a determinate sentence that was ordered consecutive to an indeterminate sentence for which he or she has accepted a release date offered by the Prisoner Review Board shall have the consecutive sentence added to the respective dates as set by the Prisoner Review Board and statutory sentence credit applied, if applicable.
16. Offenders serving indeterminate sentences consecutive to determinate sentences entered under the 1978 law shall have the determinate sentences aggregated to both the minimum and the maximum terms of the originally imposed indeterminate sentences.
- a. Offenders who are serving a sentence for one or more crimes committed prior to June 1, 1977, and who, thereafter, are sentenced to one or more consecutive determinate sentences on or after February 1, 1978, shall receive statutory and compensatory good time on the entire length of the aggregated minimum and maximum terms, if same would be more beneficial to the offenders than receiving day for day credit.
  - b. Offenders who are serving a sentence for one or more crimes committed on or after June 1, 1977, but entered prior to February 1, 1978, and who, thereafter, are sentenced to one or more determinate sentences on or after February 1, 1978, shall receive statutory and compensatory good time on that portion served prior to February 1, 1978, and statutory sentence credit for time served on and after February 1, 1978.
  - c. Offenders who receive determinate sentences that are to be served consecutive to indeterminate sentences shall be eligible for parole consideration upon serving the aggregated minimum terms of the indeterminate sentences (not to exceed 20 years less statutory good time, compensatory good time and day for day credit, as applicable) plus the determinate sentences less statutory sentence credit in accordance with 730 ILCS 5/5-8-4(e)(3).
17. When a court orders:
- a. A determinate sentence consecutive to any parole violation sentence, the consecutive sentence shall be aggregated to the imposed determinate or indeterminate sentence plus the parole or mandatory supervised release term.
  - b. A determinate sentence consecutive to an imposed sentence and the imposed sentence has expired, the consecutive shall start on the date of new custody as the imposed determinate or indeterminate maximum would have been completed.
  - c. A determinate sentence consecutive to an unexpired imposed indeterminate sentence, the determinate sentence shall be aggregated to both the minimum and maximum term

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of the indeterminate sentence and day for day credit or statutory and compensatory good time applied, whichever is applicable.

- d. A misdemeanor sentence consecutive to a felony indeterminate sentence, the sentences shall be aggregated and statutory and compensatory good time or day for day credit applied, whichever is more beneficial.
- e. A misdemeanor sentence consecutive to a felony determinate sentence or a felony determinate sentence to a misdemeanor sentence, the sentences shall be aggregated and statutory sentence credit applied, if applicable.
- f. A misdemeanor sentence consecutive to a misdemeanor sentence, the aggregate consecutive sentences shall not be more than the maximum for one Class A misdemeanor and statutory sentence credit applied per Administrative Directive 01.07.461A-J.

#### **H. Parole Eligibility on Indeterminate Sentences and MSR on Determinate Sentences**

- 1. Offenders serving indeterminate sentences shall be eligible for parole consideration after having served:
  - a. The minimum that shall be the imposed minimum or 20 years less applicable statutory good time, compensatory good time and day for day credit, whichever is less.
  - b. Twenty years of a life sentence (for those sentenced under the law in effect prior to 1978) less statutory or compensatory good time.
  - c. Twenty years or one-third of a determinate sentence (for those sentenced under the law in effect prior to 1978) less statutory or compensatory good time, whichever is less.
  - d. The maximum that shall be the imposed maximum less good time.

**NOTE:** The above does not apply to sentences entered under the 1978 law.

- 2. Offenders serving determinate sentences entered after February 1, 1978, shall serve their sentences less statutory sentence credit and shall not be eligible for parole. However, they shall serve an MSR term as established in the Illinois Compiled Statutes.

#### **I. Recording Information**

Results of all calculations shall be recorded on the:

- 1. Face sheet in the master record file;
- 2. Good Time Revocation/Restoration Card;
- 3. Prisoner Review Board Docket Card;
- 4. Bottom portion of the appropriate calculation worksheet; and
- 5. Offender 360.

**NOTE:** Results of all calculations shall be shared with the offender.

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### **Appendix A** **Statutory Sentence Credit**

Offenders serving determinate sentences shall be awarded one day of statutory sentence credit for each day served on his or her period of imprisonment or recommitment as a mandatory supervised release violator unless otherwise provided below:

#### Calculation Rate:

#### Committed on or After June 19, 1998 -

- First Degree Murder 0 days/mo.
- Terrorism 0 days/mo.
- Attempt to commit first degree murder 4.5 days/mo.
- Solicitation of murder for hire 4.5 days/mo.
- Intentional homicide of an unborn child 4.5 days/mo.
- Predatory criminal sexual assault of a child 4.5 days/mo.
- Aggravated criminal sexual assault 4.5 days/mo.
- Criminal sexual assault 4.5 days/mo.
- Aggravated kidnapping 4.5 days/mo.
- Aggravated battery with a firearm as described in Section 12-4.2 or subdivision (e)(1)m (e)(2), (e)(3) or (e)(4) of Section 12-3.05 of the Criminal Code of 1961 4.5 days/mo.
- Being an armed habitual criminal 4.5 days/mo.
- Aggravated battery of a senior citizen as described in Section 12-4.6 or subdivision (a)(4) of Section 12.3.05 of the Criminal Code of 1961 4.5 days/mo.
- Aggravated battery of a child as described in Section 12-4.3 or subdivision (b)(1) of Section 12-3.05 of the Criminal Code of 1961 4.5 days/mo.
- Home invasion when the court has entered a finding that the conduct leading to the conviction for the offense resulted in great bodily harm to the victim. 4.5 days/mo.
- Armed robbery when the court has entered a finding that the conduct leading to the conviction for the offense resulted in great bodily harm to the victim. 4.5 days/mo.
- Aggravated vehicular hijacking when the court has entered a finding that the conduct leading to the conviction for the offense resulted in great bodily harm to the victim. 4.5 days/mo.
- Aggravated discharge of a firearm when the court has entered a finding that the conduct leading to the conviction for the offense resulted in great bodily harm to the victim. 4.5 days/mo.
- Armed violence with a Category I weapon or Category II weapon when the court has entered a finding that the conduct leading to the conviction for the offense resulted in great bodily harm to the victim. 4.5 days/mo.

#### Committed on or after January 1, 1999 -

- Reckless homicide as defined in subsection (c) of Section 9-3 of the Criminal Code of 1961 (Repealed by PA 96-1200 effective July 22, 2010) 4.5 days/mo.

#### Committed on or after July 15, 1999 -

- Aggravated battery with a machine gun or firearm equipped with any device or attachment designed or used for silencing the report of said firearm. 4.5 days/mo.
- Aggravated discharge of a machine gun or a firearm equipped with a device or attachment designed or used for silencing the report of said firearm. 4.5 days/mo.

#### Committed on or after July 27, 2001-

- Aggravated arson 4.5 days/mo.

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Calculation Rate:

Committed on or after July 18, 2003 -

- Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (F) of Paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code

4.5 days / mo.

Committed on or after June 23, 2005 -

- Aggravated discharge of a firearm whether or not the conduct leading to the conviction for the offense resulted in great bodily harm to the victim

4.5 days/mo.

Committed on or after August 13, 2007 -

- Gunrunning
- Narcotics racketeering
- Controlled substance trafficking
- Methamphetamine trafficking
- Drug-induced homicide
- Aggravated methamphetamine related child endangerment
- Money laundering pursuant to clause (c)(4) or (5) of Section 29B-1 of the Criminal Code of 1961

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

Committed on or after August 13, 2007 of a Class X felony and the substance containing the controlled substance or methamphetamine is 100 grams or more -

- Delivery of a controlled substance
- Possession of a controlled substance with intent to manufacture or deliver
- Calculated criminal drug conspiracy
- Criminal drug conspiracy
- Street gang criminal drug conspiracy
- Participation in methamphetamine manufacturing
- Aggravated participation in methamphetamine manufacturing
- Delivery of methamphetamine
- Possession with intent to deliver methamphetamine
- Aggravated delivery of methamphetamine
- Aggravated possession with intent to deliver methamphetamine
- Methamphetamine conspiracy

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

7.5 days/mo.

Committed on or after June 1, 2008 -

- Second or subsequent offense of luring a minor

4.5 days/mo.

Committed on or after July 23, 2010 -

- Aggravated domestic battery

4.5 days/mo.

Committed on or after January 1, 2011 -

- Aggravated driving under the influence of alcohol, other drug or drugs, or intoxicating compound or compounds, or any combination thereof as defined in subparagraph (C) of Paragraph (1) of subsection (d) of Section 11-501 of the Illinois Vehicle Code

4.5 days/mo.

Committed on or after January 1, 2013 -

- Attempt to Commit Terrorism

4.5 days/mo.

Or, is serving a sentence of natural life or has been sentenced to death for an offense committed on or after August 20, 2009

0 days/mo.